

Lyew, Sandra

August 28, 2015

101

1 You can answer.

2 THE WITNESS: The document speaks for
3 itself as far as based on his -- based on both
4 responses, so, I mean, if you want me to read the
5 response through the Consumer Financial to
6 Mr. Daugherty, as well as the letter that was
7 provided to him on the 19th, we can put that in the
8 record. He was responded back in regards to any
9 research received, as well as he wanted --
10 Mr. Daugherty went through the Consumer Financial
11 Protection Bureau, and it was responded to him in
12 regards to his account.

13 BY MR. NOLAN:

14 Q. So there was one response on April 19th
15 for both disputes?

16 A. April 8th.

17 MR. MANNING: One second. Let him
18 finish his question.

19 BY MR. NOLAN:

20 Q. I'm not trying to be difficult with you.
21 I want to make sure what was responded to and when.

22 So there is a letter -- so Mr. Daugherty
23 did send several disputes at one time. He sent one
24 directly, and he sent one through the ombudsman, as
25 well, within a week of each other it appears. March

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Lyew, Sandra

August 28, 2015

102

1 26th was the dispute with the Financial Protection
2 Bureau, correct?

3 A. Correct.

4 Q. And March 19th is the fax he sent to
5 Equifax direct -- OCWEN directly, correct?

6 A. Correct. And the letter from OCWEN to
7 Mr. Daugherty directly via mail was sent -- is dated
8 April 19th, page 1723.

9 Q. Okay. And on April 8th, on 1722, there
10 is a letter from OCWEN to the CFPB, correct?

11 A. Correct, responding to Mr. Daugherty's
12 email through the Consumer Financial Protection
13 Bureau on April -- I'm sorry -- March the 26th, 2014,
14 page 1720 up top.

15 OCWEN responded to that on April 8th,
16 and responded to the written research that
17 Mr. Daugherty sent in on the 19th, on April 19th.

18 MR. NOLAN: Can you mark this as 16?

19 (Exhibit No. 16 was marked for
20 identification.)

21 BY MR. NOLAN:

22 Q. I'm giving you No. 16, which if we can
23 look at the third page of this sheet. This exhibit
24 has an envelope attached with a mailing date. On the
25 top right corner, this was sent out on March 19,

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Lyew, Sandra

August 28, 2015

103

1 2014, correct?

2 A. Okay. It's the same letter he faxed in.
3 He mailed it.

4 Q. He mailed in a copy, and faxed in a
5 copy, and talked to the CFPB during this time period,
6 correct?

7 A. Within that same time period, yes.
8 (Exhibit No. 17 was marked for
9 identification.)

10 MR. MANNING: So Exhibit 17, I have 1343
11 and 1344.

12 MR. NOLAN: Correct.

13 BY MR. NOLAN:

14 Q. Are you familiar with this form?

15 A. I've seen this document.

16 Q. Is it fair to say this is OCWEN's ACDV
17 response form?

18 A. Yes. Through the e-Oscar system.

19 Q. So OCWEN would have prepared this when
20 reviewing and investigating a dispute from Equifax,
21 correct?

22 A. This would be -- this would be the
23 system that they used to respond back to Equifax on
24 how it was -- you have the request data and the
25 response data. OCWEN responded in gray, shaded in

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Lyew, Sandra

August 28, 2015

104

1 **gray.**

2 Q. Okay. And the response code is a 2,
3 which states modify account information as indicated,
4 correct?

5 A. **Where are you? Where do you see that?**

6 Q. I'm in the top box, third one down.

7 A. **Okay.**

8 Q. And so what you're saying is that the
9 information in the gray shaded box is -- would be
10 OCWEN's directions to modify this account?

11 A. **Response, yes.**

12 Q. In response to the dispute?

13 A. **Correct. Based on what was received by**
14 **e-Oscar.**

15 Q. And this dispute was 106, disputes
16 previous account status, payment history profile,
17 payment rating, correct?

18 A. **Yes.**

19 Q. And then looking ahead to OCWEN comment
20 log 1727, there is an April 23rd, 2014 date at
21 1:19:25 a.m. by Rajina Robert regarding this control
22 number and this dispute. Do you see where we're at?

23 A. **Yes. I'm looking at the top of the page**
24 **beginning where it's showing being received.**

25 Q. Sure.

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Lyew, Sandra

August 28, 2015

105

1 And that's at 1:19:20 a.m. And that
2 indicates the reporting received from credit bureau
3 was a code 82. Do you know what code 82 is?

4 **A. Code 82 is based on the request that was**
5 **sent by the bureau. Their request is stating account**
6 **120 days past due date, past the due date. Account**
7 **update information 3-24-2014.**

8 Q. This is the first dispute we've noted --
9 we've reviewed that actually noted an account went
10 into 120 days past the due date on the ACDV, correct?

11 **A. Yes.**

12 Q. All the prior disputes that Equifax sent
13 back, OCWEN never noted receiving an account 120 days
14 past the due date in this block, correct?

15 MR. MANNING: Object to the form.

16 You can answer.

17 THE WITNESS: Based on the other
18 requests. This is a separate -- this is a new
19 request.

20 BY MR. NOLAN:

21 Q. Why was that account code included in
22 the section on this dispute?

23 **A. Because that's the -- that's how the**
24 **request came in.**

25 Q. But the other request also indicated --

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Lyew, Sandra

August 28, 2015

106

1 A. This is a separate request. I told you
2 each request is handled differently. It's not
3 handled as the same. This is a new request. And
4 this is how -- this is how -- this is where they're
5 going to conduct their investigation, based on the
6 new request that comes in.

7 Q. I'm asking you can you tell me why this
8 was included on this dispute as opposed to every
9 other dispute where this same information was
10 provided by Equifax?

11 A. I can't speak for the bureau. This is
12 how the request came in.

13 Q. So based on Exhibit 17, on the bottom
14 under account status, the data states it's 120 past
15 due, but OCWEN appears to indicate a change to a
16 current account; is that correct?

17 A. They responded current account.

18 Q. And this is under the modify account
19 information, as indicated in response code?

20 A. That is -- that is the bureau's request
21 to OCWEN. The only thing that OCWEN completed is the
22 shaded area and the response date.

23 Q. The response date on the OCWEN log 1727
24 is April 23, 2014, correct?

25 A. April 24, 2014 is the response date.

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August 28, 2015

107

1 Q. On OCWEN's logs it's 4-23.

2 A. I'm sorry?

3 Q. On OCWEN's logs, on 1727.

4 Let's look at the account information.

5 There is a section marked MOP. Do you know what that
6 means?

7 A. Where is that information?

8 Q. It's in the last box on the page,
9 account information. It's the second from the
10 bottom.

11 A. I don't know what that means; however,
12 the white shade is the -- is the bureau's request to
13 OCWEN.

14 Q. And OCWEN didn't have any changes on
15 that box, correct?

16 MR. MANNING: Object to the form.

17 You can answer.

18 THE WITNESS: The document speaks for
19 itself. It's blank.

20 BY MR. NOLAN:

21 Q. It's the box claimed five or more
22 installments past due, correct?

23 A. OCWEN did not respond to that.

24 Q. And on the second page of this exhibit,
25 1344, the top box says SCC. Do you know what that

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August 28, 2015

108

1 stands for?

2 A. I don't remember.

3 Q. Is that a special compliance code?

4 A. This is an ACDV form. This is an
5 e-Oscar form, so based on how it's responded --
6 requested, that's how it's responded. As I mentioned
7 earlier, the shaded gray is OCWEN's response.

8 Q. And OCWEN did not have a response for
9 foreclosure proceedings started to this dispute,
10 correct?

11 A. Correct.

12 Q. OCWEN did have other changes? They
13 changed the date open to the proper date, correct?

14 A. That is correct.

15 Q. They updated the date of last payment,
16 correct?

17 A. Yes. They have updated that.

18 Q. They even modified the amount past due
19 from 6,128 to zero, correct?

20 A. I'm sorry? Where are you looking?

21 Q. I'm a little bit below there.

22 A. Because --

23 Q. Past due --

24 A. I was going down the line.

25 Q. Sure.

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August 28, 2015

109

1 A. That is correct.

2 Q. Is there any reason why OCWEN would
3 change the amount past due to zero, yet leave the
4 foreclosure proceedings notation?

5 MR. MANNING: Object to the form.

6 You can answer.

7 THE WITNESS: As of the account
8 information to April 24, 2014, the borrower is
9 current.

10 BY MR. NOLAN:

11 Q. I understand that. But OCWEN continued
12 to -- did not update the foreclosure proceeding
13 started notation, correct?

14 MR. MANNING: Objection to the form.

15 You can answer.

16 THE WITNESS: OCWEN each month reported
17 the account accurately. As far as how the request
18 comes in from the bureau, from the -- foreclosure
19 proceedings did start back in 2012 when the account
20 was delinquent, before the borrower reinstated and
21 brought the loan current in April 2012.

22 BY MR. NOLAN:

23 Q. In April 2014 Mr. Daugherty disputed
24 that he was behind at all on his credit account with
25 OCWEN, correct?

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August 28, 2015

110

1 A. At the time I believe the borrower was
2 not in default. He was current and -- according to
3 OCWEN's records. And for what I've reviewed, that
4 they've reported to each bureau accurately, not being
5 behind.

6 Q. So when OCWEN got a dispute from
7 Mr. Daugherty saying he wasn't behind, why would it
8 not update the information on page 1 which says five
9 or more payments past due?

10 MR. MANNING: Object to the form.
11 Assumes facts not in evidence.

12 You can answer.

13 THE WITNESS: Because at one point he
14 was past due over 120 days. So that's not going to
15 change his credit report -- credit on how OCWEN
16 reported the credit at that time.

17 BY MR. NOLAN:

18 Q. But it did change the amount past due of
19 6,000 down to zero, correct?

20 A. That is correct, because he was past due
21 that amount back in 2012.

22 Q. Why would they change that now if it was
23 correct for the other issues back in 2012 but was
24 changed -- wasn't changed for the mortgage
25 foreclosure proceedings and for the five or more

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August 28, 2015

111

1 payments past due? Those were not changed because
2 you claim those were correct. Why was the \$6,000
3 changed to zero if it was correct at one point in
4 time?

5 MR. MANNING: Object to the form.

6 You can answer.

7 THE WITNESS: I don't know.

8 MR. NOLAN: Can we mark this one?

9 (Exhibit No. 18 was marked for
10 identification.)

11 MR. MANNING: 18, I've got 1349 and
12 1350.

13 BY MR. NOLAN:

14 Q. So this is a dispute from -- created
15 April 2014, correct?

16 A. Yes.

17 Q. And it was responded to May 5th, 2014,
18 correct?

19 I'm sorry. I thought I asked. This
20 response was turned in May 5th, 2014, correct?

21 A. Yes.

22 Q. Now, this is after OCWEN previously
23 updated the information to remove certain pieces of
24 account information, correct?

25 A. Okay. You want to reflect back to

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August 28, 2015

112

1 **another document?**

2 Q. Back to the prior exhibit. For example,
3 on the second page the amount past due was modified
4 from 6,128 to zero.

5 A. Okay.

6 Q. And on the current exhibit the amount
7 past due was back to 6,128, correct?

8 A. Okay.

9 Q. How did that reappear?

10 MR. MANNING: Object to the form.

11 You can answer.

12 THE WITNESS: I don't know.

13 BY MR. NOLAN:

14 Q. What steps did OCWEN take to ensure that
15 once this account was updated Mr. Daugherty's account
16 would remain accurate?

17 MR. MANNING: Object to the form.

18 You can answer.

19 THE WITNESS: Okay. OCWEN has already
20 notified Mr. Daugherty that OCWEN has been reporting
21 to the bureaus accurately, and they have no control
22 on how the credit bureaus handle it on their end in
23 other words. I can read the verbatim as far as how
24 the correspondence to Mr. Daugherty was responded in
25 regards to, you know, the dates in question of his

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August 28, 2015

113

1 research.

2 BY MR. NOLAN:

3 Q. And OCWEN even went so far as to
4 remove -- modify certain information pursuant to the
5 ACDV in the prior dispute, correct?

6 A. They repeated the information by sending
7 the information back to the bureau in regards to the
8 response.

9 Q. After Mr. Daugherty has notified OCWEN
10 that there is a problem with his credit report after
11 the CFPB has asked OCWEN to investigate this in May
12 of 2014, OCWEN is once again verifying that
13 Mr. Daugherty is \$6,128 past due, correct?

14 MR. MANNING: Object to the form.

15 Assumes facts not in evidence. It's not
16 the testimony.

17 You can answer.

18 THE WITNESS: Again, there has been no
19 changes, other than an open date, which would not
20 affect how OCWEN accurately reports to the bureaus.
21 And to my knowledge -- as far as what I've reviewed
22 in regards to these records, that Experian and
23 TransUnion -- there is no issues with Experian and
24 TransUnion. Can't control on how Equifax reads and
25 understands and how they, you know, input -- inputs

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August 28, 2015

114

1 information into their system.

2 BY MR. NOLAN:

3 Q. But OCWEN can control what it verifies
4 as accurate, correct?

5 A. They have verified --

6 Q. That's correct.

7 A. -- and out of courtesy went back and
8 reported the full information to Equifax.

9 Q. So OCWEN was performing a courtesy when
10 it reported the correct information regarding Mr. --

11 A. They've been doing it -- they've been
12 doing it every month. And they did it again after a
13 full initial response through the Consumer Financial
14 Protection Bureau, as well as advising the borrower
15 the same information via mail in April.

16 Q. And, nonetheless, the incorrect account
17 information was verified again in May 2014, correct?

18 MR. MANNING: Objection. Misstates
19 testimony.

20 You can answer.

21 THE WITNESS: I already responded to
22 that.

23 BY MR. NOLAN:

24 Q. Let's look at OCWEN 1728. On 5-2-2014
25 at 5:22:51 p.m. there is a note from Allwyn. This is

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August 28, 2015

115

1 a phone call Mr. Daugherty placed to OCWEN, correct?

2 A. Yes.

3 Q. With a credit reporting inquiry,
4 correct?

5 A. Yes.

6 Q. So he's calling in to continue to try to
7 fix his credit report at this point, correct?

8 A. Yes, because he didn't like the response
9 we provided to him. And that's an assumption, but we
10 did respond. He must have been calling in response
11 to the correspondence that he received back from
12 OCWEN.

13 MR. NOLAN: Mark this.

14 (Exhibit No. 19 was marked for
15 identification.)

16 BY MR. NOLAN:

17 Q. 19. This is another ACDV response
18 completed June 16, 2014, correct?

19 A. Yes.

20 Q. Again, Rajkumar verified the information
21 contained in this report as accurate, correct?

22 A. Yes.

23 Q. The information contained in this report
24 included the account was 120 past the due date,
25 correct?

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Lyew, Sandra

August 28, 2015

116

1 MR. MANNING: Object to the form.

2 You can answer.

3 THE WITNESS: Yes, on how OCWEN
4 initially reported from 2012.

5 BY MR. NOLAN:

6 Q. And continued to report the amount past
7 due was \$6,128, correct?

8 MR. MANNING: Objection; form.

9 THE WITNESS: There is no response.

10 BY MR. NOLAN:

11 Q. I want to look at OCWEN log 1733.

12 A. Okay.

13 Q. This spills over, I believe, onto 1734.
14 Near the bottom, on June 9th, 2014, at 10:51:20 a.m.
15 Wilma Varona received a call from Mr. Daugherty,
16 correct?

17 A. Okay.

18 Q. And over onto page 1734 this call
19 continues.

20 A. Okay.

21 Q. The section I'm looking at starts 11:00
22 and 13 seconds a.m. It states, borrower asking for a
23 letter stating that account has been current because
24 he will refi and need to show that March, June, July,
25 September, and October of 2013 is showing current,

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August 28, 2015

117

1 correct?

2 A. Okay.

3 Q. So Mr. Daugherty asked OCWEN for a
4 letter stating that he was current, correct?

5 A. That's what the document says.

6 Q. Specifically referring to March, June,
7 July, September, October of 2013 as dates that he
8 needs to show that he's current, correct?

9 A. Okay. And he received a response letter
10 April 19th in response to his complaint.

11 Q. With an account balance?

12 I've got that letter. We can go ahead
13 and mark it.

14 (Exhibit No. 20 was marked for
15 identification.)

16 BY MR. NOLAN:

17 Q. Here is a copy of the April 19th letter
18 that you referred to.

19 A. Okay. It shows his unpaid balance.

20 Okay. Sorry.

21 He made the request -- he made the
22 request, but she should have told him he needed to
23 send the request in writing.

24 Q. These are the same months that
25 Mr. Daugherty referred to in his March 2014 dispute

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Lyew, Sandra

August 28, 2015

118

1 letter to OCWEN, correct?

2 A. This is -- this is -- he phoned in. Let
3 me see here. Go back to his letter and see if he
4 made the request in his letter.

5 It doesn't show that he made that
6 request.

7 Q. Please look at the second page of the
8 letter he sent.

9 MR. MANNING: What exhibit are we
10 talking about?

11 THE WITNESS: This is 16.

12 Right. But he didn't -- you went from a
13 comment, him requesting a letter from OCWEN on these
14 certain months; however, OCWEN has responded to his
15 letter advising that he -- that OCWEN has reported
16 accurately to the three bureaus. And they don't have
17 control on how the bureaus input that information
18 into their system.

19 BY MR. NOLAN:

20 Q. So he asked in March, and then he asked
21 again in June, for --

22 A. On June 9th he requested a letter
23 stating these months being current. I don't see
24 where the agent asked him that he would need to send
25 that in writing.

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Lyew, Sandra

August 28, 2015

119

1 Q. So after he mailed a dispute in March,
2 he is still asking OCWEN to fix this issue in June,
3 correct?

4 A. OCWEN has already told him that it's
5 been accurately reported to the three bureaus or four
6 bureaus correctly, accurately. And they don't have
7 control on how the credit bureau, in this case
8 Equifax, inputs their information when it's received
9 from the creditor, meaning OCWEN.

10 MR. NOLAN: Mark this.

11 (Exhibit No. 21 was marked for
12 identification.)

13 BY MR. NOLAN:

14 Q. This is Exhibit 21. This is a dispute
15 responded to on June 20th, 2014, correct?

16 A. Yes.

17 Q. And on 1736 the final entry by Shalini
18 Singh reports this dispute as reporting 120 days past
19 the due date, correct?

20 A. Reporting received from credit bureau.
21 That's what -- that's what the comment is.

22 Q. And on 1737 the report notes reporting
23 to credit bureau, this current account as of
24 May 2014, correct?

25 A. Yes.

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Lyew, Sandra

August 28, 2015

120

1 Q. And on this ACDV, Exhibit 21, again am I
2 correct that the gray shaded boxes are OCWEN's
3 updates and response to the dispute?

4 A. Yes.

5 Q. So OCWEN again updates the account
6 status on the bottom of the page from 120 past due to
7 current?

8 A. So 120 days past due is what was
9 received from the credit bureau.

10 Q. And it was modified by current to OCWEN?

11 A. It was responded as current -- a current
12 account.

13 Q. I used the term modified because the
14 response code at the very top says modified account
15 information as indicated. You're saying these are
16 responses from OCWEN, not modifications?

17 A. They have their codes. But this is the
18 response. The gray shaded area is the response that
19 OCWEN -- so whether it's a modified or based on the
20 information that OCWEN has in their system, this is
21 how -- how it's responded.

22 Q. OCWEN did not respond to the five or
23 more payments past due notation?

24 A. OCWEN responded based on what's in their
25 system. Based on their system, the account was

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Lyew, Sandra

August 28, 2015

121

1 **current as of June 20th, 2014, and that's how it was**
2 **responded.**

3 Q. OCWEN's reinvestigation did not lead
4 them to correct a notation on a current account that
5 says it was five or more payments past due?

6 MR. MANNING: Objection to the form.
7 Asked and answered.

8 You can answer.

9 THE WITNESS: I feel like I'm repeating
10 myself.

11 MR. MANNING: You can answer.

12 THE WITNESS: OCWEN responds to all
13 bureaus every month, on a monthly basis, and one
14 responds accordingly and accurately. In this case it
15 was done accurately on this account to all three
16 bureaus. You don't have control on what the credit
17 bureau, in this case -- how Equifax inputs their
18 information in their system.

19 BY MR. NOLAN:

20 Q. The only thing OCWEN can control is its
21 reinvestigation, correct?

22 A. Each time a dispute is received it gets
23 responded accordingly and investigated based on their
24 review on how many disputes were received prior to
25 the date of the new request being perceived.

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Lyew, Sandra

August 28, 2015

122

1 Q. So OCWEN only has to correct the
2 inaccuracies that its codes match as opposed to all
3 inaccuracies on this borrower's account?

4 MR. MANNING: Object to the form.
5 You can answer.

6 THE WITNESS: It's responded by each new
7 ACDV that is being received from the credit bureau.
8 BY MR. NOLAN:

9 Q. Let's go on the comment logs to 1738.
10 On June 26th, 2014, the final entry at 10:49:42 a.m.,
11 Richard Hightower input a note regarding a request
12 from the CFPB, correct?

13 A. Yes.

14 Q. The CFPB was requesting additional
15 information?

16 A. Yes.

17 Q. Specifically whether the account was
18 120 days delinquent in March, June, July, October,
19 and December 2013, correct?

20 A. Yes. And also requesting to provide a
21 copy of the payment history for 2013.

22 Q. So this is a follow-up by the CFPB, I
23 assume, from April --

24 A. No. This is a new request.

25 Q. And then on the next page, 1739 --

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August 28, 2015

123

1 A. It was responded. And they were also
2 provided a copy of the payment history, as well.

3 Q. So OCWEN responded that in 2012: March,
4 June, July, October, and December, the loan was
5 current? Is that what the response indicates?

6 A. In March 2012, June 2012, July 2012, and
7 October 2012, December 2012.

8 Q. Why did OCWEN respond with information
9 regarding 2012 when the CFPB asked for information
10 regarding 2013?

11 A. The CFPB -- I don't know why they have
12 2012; however, they did attach a copy of the payment
13 history, which is called payment reconciliation
14 history.

15 Q. And further down that page, on June 30,
16 2014, at 9:19:29 a.m. Rose Kaplan has an entry about
17 a further follow-up request from the CFPB, correct?

18 A. We have determined that additional
19 information is needed to complete our review of this
20 matter. They request please submit the following
21 information to aid us in further evaluating this
22 complaint.

23 You indicated that your records show
24 that the credit reporting correctly reflected the
25 loan as current for the months of March, June, July,

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August 28, 2015

124

1 October, and December 2013; however, the attached
2 documents shows an Equifax report where the consumer
3 is reported as 120 days late March, June, July,
4 October, December 2013. Please provide documentation
5 that's showing that you have reported the consumer...
6 Please respond.

7 Q. So here again OCWEN is being presented
8 evidence that there is an outstanding report showing
9 Mr. Daugherty as delinquent during these months that
10 he's complained of, correct?

11 MR. MANNING: Object to the form.
12 You can answer.

13 THE WITNESS: That is from the Consumer
14 Financial Protection Bureau requesting additional
15 information in regards to those months.

16 BY MR. NOLAN:

17 Q. And indicating they've attached a
18 document showing the incorrect reports during those
19 months, correct?

20 A. They provided in the first request
21 their -- the payment history, payment reconciliation
22 history. They're providing additional information.
23 And let's see here. And they sent -- they did an AUD
24 on July 2nd, 2014.

25 Q. We'll look at that in just a minute.

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Lyew, Sandra

August 28, 2015

125

1 MR. NOLAN: Can we go ahead and mark
2 this at this time?

3 (Exhibit No. 22 was marked for
4 identification.)

5 BY MR. NOLAN:

6 Q. This is No. 22. This is an AUDF sent on
7 July 2nd, 2014. Is that the one referenced in the
8 notes on 1740?

9 A. That is correct. And they're responded
10 back to the CFPB of what they've done.

11 Q. Now, on this AUD, on the top line it
12 indicates it was an update as opposed to a delete or
13 delete due to fraud, correct?

14 A. Yes.

15 Q. Do you know what the Equifax SC number
16 means?

17 A. No. That's something through Equifax.

18 Q. But OCWEN generated the universal data
19 form, correct?

20 A. Yes, through e-Oscar.

21 Q. Which is a standardized system for
22 disputes for furnishers and for credit reporting
23 agencies, correct?

24 A. Yes.

25 Q. But you're not sure what the Equifax SC

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